

34. State whether in response to an internet website posting on www.eHam.net. you sent an email to rinehard@troyst.edu ("Rinehard") on August 31, 2004 at 20:18:56 (EDT). If so:

a. did you call Rinehard a "loser" or refer to his profession [professor of political science] as "bullshit artists," a "bunch of idiots" and/or other insulting terms in that email? If so, state each term used to describe Rinehard and his profession;

b. Explain specifically and in detail each reason for your email to Rinehard and the remarks made in it;

c. provide each email address used to send this email;

d. provide each email address copied on this email;

e. state whether you have ever corresponded or otherwise communicated with Rinehard. If so:

i. provide the date of each such communication;

ii. provide the method used for each such communication (i.e., email);

iii. provide the text of each such communication. If the text is not available, provide a detailed summary of the communication, including, but not limited to, each insulting word or phrase used therein;

iv. If the communication was via email, provide:

a. each email address used to send the email;

b. each email address used for Rinehard;

c. the email address of each person copied on your email to Rinehard and an explanation regarding why you copied each individual on the email.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Applicant possesses the same full range of free-speech rights on the internet and elsewhere as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur

community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting discovery on this issue due to the bad-faith conduct of Riley Hollingsworth in throwing away, or otherwise failing to read, every communication from Applicant, and in conspiring with other radio amateurs to set Applicant up for an intentional interference violation.

35. State whether in response to a blog posting by NIVLQ on [www.eHam.net](http://www.eHam.net) regarding "All Hams Need a Secret Jamming Location" you, on September 4, 2004, stated: "[I]t's hard not to appear [like a know-it-all] by comparison to Tsarina Hollywood because she knows so little." If so, identify "Tsarina Hollywood."

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Applicant possesses the same full range of free-speech rights on the internet and elsewhere as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

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Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting discovery on this issue due to the bad-faith conduct of Riley Hollingsworth in throwing away, or otherwise failing to read, every communication from Applicant, and in conspiring with other radio amateurs to set Applicant up for an intentional interference violation.

36. State whether in response to a blog internet website posting by KK6SM on [www.eHam.net](http://www.eHam.net) regarding "All Hams Need a Secret Jamming Location" you, on September 6, 2004, stated, "[J]amming is not wrong! My authority for saying so is none other than Riley Hollywood himself. ... , He has informed several stations, in

writing, that it is OK to jam other stations whom they feel are violating Part 97." If so, explain specifically and in detail why you stated that "jamming is not wrong." Identify the writings you are referring to in your blog response.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Applicant possesses the same full range of free-speech rights on the internet and elsewhere as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

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Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

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Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting discovery on this issue due to the bad-faith conduct of Riley Hollingsworth in throwing away, or otherwise failing to read, every communication from Applicant, and in conspiring with other radio amateurs to set Applicant up for an intentional interference violation.

Without waiving the foregoing objections, Applicant refers the Bureau to, and hereby incorporates, Exhibits "B" and "C" of his Responses to the Bureau's First Request for Production of Documents addressed to him.

37. State whether in a blog posting on or about September 9, 2004, on [www.eHam.net](http://www.eHam.net) regarding "Ford, you're right for once" you stated, "Yes, Ford, I do have an agenda and I freely admit to it. I want to get the Tsarina's ass canned." If so, identify "Tsarina."

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Applicant

possesses the same full range of free-speech rights on the internet and elsewhere as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

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Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

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Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting discovery on this issue due to the bad-faith conduct of Riley Hollingsworth in throwing away, or otherwise failing to read, every communication from Applicant, and in conspiring with other radio amateurs to set Applicant up for an intentional interference violation.

Without waiving the foregoing objections: apparently democracy still works in this country. My political pressure, and that of many other amateur radio operators, forced Hollingsworth to retire prematurely.

38. State whether in a blog posting on or about April 16, 2007, on [www.eHam.net](http://www.eHam.net) regarding "FCC Amateur Radio Enforcement Correspondence Posted" you stated, "I have made absolutely no changes in my operating habits or procedures as the result of the letters Mr. Hollingsworth has sent me, nor do I intend to make any such changes. Riley Hollingsworth is full of crap. I never listen to a thing he says. . . 'F' you, Riley!"

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Among other reasons for being irrelevant, the Interrogatory improperly equates, and therefore confuses, the actions of Riley Hollingsworth with the actions of the Commission. They are not the same because Hollingsworth does not speak for the Commission, since the Commission itself promulgated Part 97 but Hollingsworth's so-called "interpretations" thereof are entirely inconsistent with and contrary to Part 97's plain meaning. Therefore, whether or not Applicant respects Riley Hollingsworth is irrelevant to the issue of whether or not Applicant respects and follows the Commission's Rules.

Applicant further objects hereto on the basis that the Commission has neither subject matter nor ancillary jurisdiction over the internet.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Radio amateurs have the same full range of free-speech rights, both on and off the air, as any U.S.



citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's internet activities because Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputation and questionable materials off the ham radio and put them on the internet instead.

Applicant further objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting discovery on this issue due to the bad-faith conduct of Riley Hollingsworth in throwing away, or otherwise failing to read, every communication from Applicant, and in conspiring with other radio amateurs to set Applicant up for an intentional interference violation

39. State whether you have ever used equipment to mask, alter, or otherwise distort your voice during any transmission on any amateur radio frequency. If so, for each such transmission:

- a. describe specifically and in detail the nature and content of your transmission;
- b. state the frequency on which your transmission was made;
- c. state the date and time of your transmission;
- d. state the duration of your transmission;
- e. describe specifically the equipment used to mask, alter or distort your voice;

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that, due to its bad faith and arbitrary and capricious regulatory conduct in failing to have a screening mechanism for complaints nor rising to the level of a Part 97 violation, and absent a preliminary showing that the complaint rises to the level of a Part 97 violation, the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning mere complaints.

40. State whether you transmitted music on any amateur radio frequency on the evening of November 23, 2005 or on the morning of November 24, 2005. If so, for each such transmission:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of the transmission;
- d. describe specifically and in detail the nature and content of such transmission;
- e. describe with specificity the equipment used for the transmission.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving any of the foregoing objections, Applicant states that he has *never* played music on the ham radio, and that the Enforcement Bureau ought to stop listening to Riley Hollingsworth's lies. And the complaint was filed by Art Bell, W6OBB, who has also publicly alleged "Y2K", "Hale-Bopp Companion/Heaven's Gate", Remote-Viewing, Alien anal probes, etc. Why would you believe anything that demonstrated, proven liar would say?

41. State whether have ever transmitted music at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of the transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First

Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving any of the foregoing objections, Applicant states that he has *never* played music on the ham radio, and that the Enforcement Bureau ought to stop listening to Riley Hollingsworth's lies.

42. State whether you have ever transmitted any recording other than music at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of the transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects to this Interrogatory due to lack of foundation, irrelevance and immateriality, and that it assumes facts not in evidence, absent an allegation that the playing of recordings also constituted a one-way transmission. Part 97 does not prohibit the playing of recordings on the air as part of a two-way communication.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

43. State whether you have ever transmitted over any amateur radio frequency profane or indecent language or otherwise cursed or swore at any time. If so, for each such occurrence:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of the transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein, since Part 97, §97.113(a)(4) prohibits only “obscene or indecent” utterances. Profanity is a religious term, a prohibition against which would violate the separation of church and state guaranteed by the First Amendment to the U.S. Constitution.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that the Commission has no authority to regulate obscenity or indecency in the amateur service because the licensee receives nothing of value in exchange for the license

grant, and there is therefore no consideration supporting any waiver of the licensee's free-speech rights.

44. State whether you have ever intentionally caused interference during any transmission at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of your transmission;
- b. state the frequency on which your transmission was made;
- c. state the duration of your transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objection, Applicant answers that he has *never* interfered with the transmissions of other amateur operators. This allegation comes from who, the proven-incompetent Riley Hollingsworth, and the proven liar, Art Bell? You've got to be kidding!



45. State whether you have ever intentionally interrupted an ongoing radio transmission at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of your transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of your transmission;
- d. describe with specificity the equipment used for your transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objection, Applicant answers that he has *never* interrupted any ongoing radio communications of other amateur operators. This allegation comes from who, the proven-incompetent Riley Hollingsworth, and the proven liar, Art Bell? You've got to be kidding!

46. State whether you have ever transmitted a one-way communication at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of your transmission;
- b. state the frequency on which your transmission was made;
- c. state the duration of your transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objection, Applicant answers that he has *never* made any one-way transmissions on amateur radio frequencies.

47. State whether you have ever used the expression "fucktard," or any variation thereof, during any transmission at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;

- c. state the duration of the transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant also objects to this Interrogatory on the basis that the Commission may not deny a license based upon an unconstitutional premise. Part 97, §97.3(4) provides that the purpose of the amateur radio service is to exchange messages of a purely personal nature, and the Commission has not adduced any evidence to suggest that this is not exactly what Applicant was doing in all of his radio transmissions. Nowhere else in Part 97 does the Commission specify any impermissible subjects of amateur conversation, and every attempt to amend Part 97 so as to specify any such impermissible subjects of discussion has failed. Therefore radio amateurs have the same full range of free-speech rights on the air as any U.S. citizen has in private conversation, and any attempt by the Commission to deny Applicant's renewal based upon a post facto review of Applicant's speech violates his First Amendment rights to free speech and to petition the government for redress of grievances.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same.

Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that, due to its bad faith and arbitrary and capricious regulatory conduct in failing to have a screening mechanism for complaints nor rising to the level of a Part 97 violation, and absent a preliminary showing that the complaint rises to the level of a Part 97 violation, the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning mere complaints.

48. State whether you have ever transmitted any previously recorded broadcast, commercial, and/or any copyrighted material during any transmission at any time on any amateur radio frequency. If so, for each such transmission:

- a. state the date and time of the transmission;
- b. state the frequency on which such transmission was made;
- c. state the duration of the transmission;
- d. describe with specificity the equipment used for the transmission;
- e. describe specifically and in detail the nature and content of such transmission.

Applicant objects to this Interrogatory due to lack of foundation, irrelevance and immateriality, and that it assumes facts not in evidence, absent an allegation that the playing of recordings also constituted a one-way transmission and a copyright violation. Part 97 does not prohibit the playing of recordings on the air

as part of a two-way communication, and there is no violation of the copyright laws as long as only a "fair use" is involved in doing so.

Applicant objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

49. State whether you have ever been informed by one or more amateur radio operators that you were or are not welcome to join a QSO. If so, for each such occurrence:

- a. state the date and time of the occurrence;
- b. state the frequency of the transmissions;
- c. identify the amateur radio operator(s) who were participating in the QSO
- at d. the time that you attempted to join it;
- e. identify the amateur radio operator(s) who told you that you were not welcome to participate in the QSO;
- f. state the reasons provided or otherwise known to you why the QSO participants did not want you to join the QSO;
- g. state your response(s) and action(s) after the participants in the QSO told you that you were not welcome to join the QSO.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that, due to its bad faith and arbitrary and capricious regulatory conduct in failing to have a screening mechanism for complaints nor rising to the level of a Part 97 violation, and absent a preliminary showing that the complaint rises to the level of a Part 97 violation, the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning mere complaints.

Applicant also objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's alleged entrance into existing QSOs because Riley Hollingsworth had previously advised Alan Strauss, WA4JTK, that he interpreted Sec. 97.101(b) as requiring amateurs to share the

frequency in such circumstances, and Applicant relied upon Hollingsworth's said interpretation.

50. State whether you are aware of any occurrence in which your participation or attempted participation in a QSO was ever the cause of other amateur radio operators moving to other amateur radio frequencies to QSO. If so, for each such occurrence:

- a. state the date and time of the occurrence;
- b. state the frequency of the transmission;
- c. identify each amateur radio operator who was participating in the QSO at the time that you attempted to join it;
- d. identify each amateur radio operator who left the frequency after you attempted to join the QSO;
- e. identify each amateur radio operator who left the frequency to QSO on another frequency;
- f. state the frequency to which each QSO participant moved;
- g. describe in detail what action(s) you took in response to each QSO participant moving to another frequency to QSO.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his

First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that, due to its bad faith and arbitrary and capricious regulatory conduct in failing to have a screening mechanism for complaints nor rising to the level of a Part 97 violation, and absent a preliminary showing that the complaint rises to the level of a Part 97 violation, the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning mere complaints.

Applicant also objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's alleged entrance into existing QSOs because Riley Hollingsworth had previously advised Alan Strauss, WA4JTK, that he interpreted Sec. 97.101(b) as requiring amateurs to share the frequency in such circumstances, and Applicant relied upon Hollingsworth's said interpretation.

51. State whether you are aware of any occurrence in which you followed other amateur radio operators to another amateur radio frequency after being informed that you were not welcome in their QSO and/or after they moved to another amateur radio frequency. If so, for each such occurrence:

a. provide the date and time of such transmission(s);



- b. state the frequency upon which the initial QSO was taking place;
- c. state each frequency to which the QSO moved to;
- d. state each frequency you moved to;
- e. identify each participant in the QSO;
- f. describe the reaction of each QSO participant to your initial attempt to join the QSO on the original frequency;
- g. describe the reaction of each QSO participant to your attempt to join the QSO on any or each subsequent frequency;
- h. explain in detail your reason(s) for following the QSO participants to any or each subsequent frequency.
- i. describe what action(s) you took after following the QSO participants to any or each subsequent frequency and provide the reason(s) for each action.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein.

Applicant further objects hereto on the ground that this Interrogatory is irrelevant and not calculated to lead to the discovery of admissible evidence, absent a preliminary showing that the mere complaint constitutes a Part 97 violation.

Applicant further objects hereto on the basis that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant also objects hereto on the basis that the Enforcement Bureau lacks the authority to compel the production of evidence because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this Interrogatory on the ground that, due to its bad faith and arbitrary and capricious regulatory conduct in failing to have a screening mechanism for complaints nor rising to the level of a Part 97 violation, and absent a preliminary showing that the complaint rises to the level of a Part 97 violation, the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning mere complaints.

Applicant also objects to this Interrogatory on the ground that the Enforcement Bureau has waived the right to, and is estopped from, conducting any discovery or presenting any evidence concerning Applicant's alleged entrance into existing QSOs because Riley Hollingsworth had previously advised Alan Strauss, WA4JTK, that he interpreted Sec. 97.101(b) as requiring amateurs to share the frequency in such circumstances, and Applicant relied upon Hollingsworth's said interpretation.

52. State whether you made any amateur radio transmissions between the hours of 3:20 and 4:00 a.m. EDT, April 22, 2006 on the 3943 kHz frequency. If so, as to each transmission:

- a. describe specifically and in detail the nature and duration of the transmission;
- b. identify each participant to such transmission
- c. describe the reaction, if any, of each participant to the transmission.
- d. state whether the transmission interfered with ongoing amateur radio communications. If so, for each transmission made: